

Special Meeting Minutes
Tiverton Conservation Commission
Thursday, November 7, 2013
Town Hall, 343 Highland Road, Tiverton, RI

The meeting was called to order at 7:08 PM by Chairman Ramotowski.

Members Present: T. Ramotowski (chair), N. Cote, J. Grimard, P. Hilton, P. Mello, and R. Guimond.

Members Absent: None.

Also Present: W. Gerlach (Tiverton Town Council)

I. Welcome and Introduction: Chairman Ramotowski introduced the members of the Commission to the public and welcomed all in attendance to the meeting.

II. Meeting Goals and Objectives: Chairman Ramotowski stated that the goal of the meeting was for the Commission and the public to enter into a discussion regarding what could be done to better protect the water quality of Stafford Pond. Some traditional recreational uses of the Pond might need to be curtailed or eliminated in order to preserve and protect water quality. The Commission and the Town Council have been working hard to reduce and/or eliminate the most obvious recreational threat to the Pond, namely the numerous, large fishing tournaments sponsored by RI-DEM. However, there are other activities occurring that also could contribute to water quality problems – seaplane operations, swimming, the introduction of harmful invasive species, etc. Chairman Ramotowski reminded those in attendance that the Town Council had charged the Conservation Commission with coming up with a long-term management plan for the Pond that would ensure it remained as a high quality drinking water resource for the Town. A preliminary report was due back to the Town Council in early December.

III. Stafford Pond Water Quality: Ms. Hilton presented a short slide show on the efforts to date to protect and preserve the water quality within Stafford Pond. The dissolved phosphate data trend was now moving in the wrong direction – since 2009 (when RI-DEM changed the rules for the size of boat engines that could be used on the Pond) the concentration of phosphate in Stafford Pond water has been higher than the target level. Ms. Hilton stated that the Stone Bridge Fire District had agreed to fund a scientific investigation into the impact of large-engine boats on the concentration of phosphate in the waters of the Pond. Much of the phosphate is believed to be associated with the Pond bottom sediments, and it is possible that the large engine boats used during the fishing tournaments are stirring up that material and thereby allowing it to enter the water column. There is support in the scientific literature for this theory. Phosphate is one of the growth-limiting nutrients for algae in the Pond – when its concentration is high, algal blooms can occur which affect water quality and have to be controlled through the application of poisons (algicides) to the Pond water.

Ms. Hilton stated that a “working group” consisting of Town citizens and RI-DEM representatives had been meeting periodically throughout the year to try to come to a consensus on what needed to be done to improve the water quality of Stafford Pond. The data collected to date by the scientific study supports the Town’s position that numerous fishing tournaments with large-motor boats can trigger elevations in the dissolved phosphate levels. There are, however, other threats to the quality of water in Stafford Pond, including the deposition of human waste into the pond from faulty ISDS systems and/or

boaters discharging waste into the Pond. RI-DEM is amendable to changing its rules to better protect the quality of water in the Pond, but it has insisted that all rule changes must apply equally to resident and non-resident recreational users. The Conservation Commission has been appointed by the Town Council with making the necessary recommendations to update Chapter 15 of the Town Code – and some of the recommended changes may affect what shoreline property owners can and cannot do on the Pond.

IV: Public Input Session: Chairman Ramotowski asked for input and comments from the public.

Mr. Ed Adamowski stated that he has lived on the shore of the Pond since the 1980s. He also stated that he is the URI Watershed Watch volunteer for Stafford Pond and is responsible for collecting the samples of Pond water that are analyzed to produce the phosphate concentrations discussed earlier.

Mr. Adamowski stated that for the most part the Pond is shallow and contains numerous submerged rocks. The maximum depth of the Pond is 21 to 22 feet. Because of shallow depth and submerged rocks, most boats do not travel at a high rate of speed.

Mr. Adamowski stated that each year, the Pond goes through a cycle that begins in the spring with good water quality and plenty of dissolved oxygen present in the water. As the summer progresses, the water stratifies (stops turning over/mixing) and the dissolved oxygen levels drop near the bottom of the Pond. This tends to release the phosphate and generate the algal blooms. There can be several algal blooms in a year due to this mechanism.

Mr. Adamowski stated that he used to own a seaplane that he landed on the Pond. The original designation of the Pond as a seaplane landing site was done by gentlemen who had since passed away. No one currently operates a seaplane on the Pond, nor are any such planes currently based there. Mr. Adamowski felt that the possibility of aviation fuel spillage on the Pond was extremely low unless a catastrophic event, such as a crash, were to occur. Some people may use it once in a while for practicing take-offs and landings. Most seaplane mishaps are roll-overs in which the fuel tank is not breached/damaged., and even if there was some fuel leakage onto the water, it would not dissolve (it does not contain MTBE) and would evaporate rapidly. Mr. Adamowski stated that seaplane owners are trained to clean their aircraft and that would prevent the planes from being a vector for the introduction of invasive species into the Pond.

Mr. Adamowski stated that the algal blooms on Stafford Pond began in the 1980s, and in response, the Town banned the use of large gasoline engines on boats used on the Pond. The people living around the Pond filed a lawsuit over that ban – they claimed the Town could not regulate activities on the Pond. This resulted in a court case in 1989 and the ruling went against the Town. The case also established that Fall River only owned the water that went over the dam; it did not own water in Stafford Pond itself.

Mr. Brian O’Neil stated that he was still concerned about the fishing tournaments organized by RI-DEM on the Pond. Mr. O’Neil stated that he felt poorly functioning septic systems were a bigger threat to the quality of water in the Pond than activities such as swimming. Chairman Ramotowski noted that swimming was banned by State law on drinking water reservoirs. Ms. Hilton stated that swimming was banned for health reasons, because people’s bodies can introduce pathogens and viruses into the water. The State Board of Health has had regulations banning swimming in reservoirs since the 1880s.

Mr. O'Neil stated that residents who lived along the shores of the Pond still wanted to be able to use their boats on the Pond. Only a few of the boats owned and used by residents have motors larger than 10 Hp.

Ms. Leslie Hilger stated that she did not presently live on the shore of Stafford Pond, but in the past she did. Ms. Hilger stated it would be very difficult for the Town to tell people who had lived along the shore of the Pond all of their lives that they could no longer do certain things that they had been doing for generations. Ms. Hilger stated that she had been swimming in the Pond when she was younger and didn't feel that was detrimental to the Pond.

Chairman Ramotowski asked if the people living along the shore of Stafford Pond could live with "the Nonquit Pond situation" – essentially living on the Pond but not being able to do anything in the water. The consensus of the people in attendance at the meeting was that such a situation would be unacceptable.

Mr. Stuart Hardy suggested that the existing residents boats be "grandfathered in" as allowable uses, but no new large engine boats be allowed.

Mr. Hardy noted that the Planning Board was trying to prevent new housing developments from including lots that directly bordered the Pond. Instead, the land in such subdivisions would be divided so that the land bordering the Pond became open space. This should cut down on new applications for boats and docks on Stafford Pond.

Mr. Hardy stated that he was concerned about the trend in which small, seasonal cottages on/near the Pond were being converted into year-round residences. This represented a more intensive use of the land near the Pond, and in some cases, the septic systems have not been upgraded to handle the more intensive use.

Mr. O'Neil stated that he had to install a new, expensive ISDS system on his property (bottomless sand filter) but other people on/near the Pond had not been required to upgrade their septic systems – even when their systems were substandard. The Town needs to require everyone who lives near the Pond to have an inspection that determines whether or not their septic system is OK. The systems that are discovered to be problematic should be fixed – there should be no delays or deferments. Some people have built bigger houses on lots where the septic systems were marginal and they did not upgrade those systems. Mr. O'Neil stated that he experienced a lot of red tape and bureaucracy from the State when he was upgrading his system and that the State should try to minimize that so it does not discourage people from pursuing an upgrade. It would also be useful to be able to cross property lines to install community systems for those lots that are too small to host their own ISDS.

Chairman Ramotowski asked if any of the Pond residents organized large fishing tournaments for their friends and families. The response for the audience was that no Pond resident was known to do that, so a complete ban on such tournaments would not affect people who lived around the Pond.

Ms. Hilton asked if a long-term phase out of large motorboats would be acceptable to the Pond residents. The scientific literature indicates that such boats could have significant negative effects on water quality on Ponds less than 25 feet deep. Ms. Hilton noted that the State database indicated there were 90 dock permits for Stafford Pond.

Mr. Carl Destramps of the Stone Bridge Fire District stated that algal blooms definitely are a problem on the Pond, and that he had to shut the water intake pipe down in 2011 until an algal bloom cleared

up. Mr. Destramps mentioned that some localities use bentonite to cover the bottom sediments and prevent the release of phosphate into the water. The problem would be where to get the money to do that for Stafford Pond.

Ms. Rosemary Eva stated that she was concerned about the possibility of contamination entering the Pond via road run-off entering storm water drains that discharge to the Pond. The same concern would exist for haz-mat spills on nearby roadways. The State installed several “special” culverts near Stafford Pond about 10 years ago. It is unclear if the State is mandating the installation of similar culverts for the new road construction they are proposing for Bliss Four Corners (construction of a roundabout). Mr. Adamowski stated that he was told at the time the special storm drains were installed that they could be shut or closed so that a haz-mat or fuel spill could not enter the Pond by passing through them. It is unclear if any of the Town’s first responders know how to shut/close the storm drains to take advantage of their design to protect the Pond. Chairman Ramotowski stated that he would explore this issue further with the Town’s Fire Department and DPW Director.

Mr. Adamowski asked if the State owned boat ramp on Stafford Pond could be shut down. Chairman Ramotowski stated that it was closed for a while after the 9/11 terrorist attacks, but it was subsequently re-opened. Chairman Ramotowski stated that the State views the boat ramp as the only means of public access to the Pond, and therefore, it is unlikely to ever close it voluntarily.

Mr. O’Neil stated that the problem of people “practicing fishing” before tournaments was still a problem. The DEM’s own rules for boats on the Pond forbids the large engine boats except for the actual tournaments, yet some are always out the day before, etc. Chairman Ramotowski stated that presently, there was no Town law or regulation that would prohibit such activities, so the Town Police would be unable to intervene. The present rule could only be enforced by a DEM police officer or official. Mr. Gerlach urged Town residents who see illegal boating activity on the Pond to call the DEM and complain so that even if a DEM police officer is unable to respond, an ongoing record of the number of such violations would be generated.

Chairman Ramotowski thanked the residents for attending and contributing to the dialog about what should and should not be allowed on Stafford Pond. The public has given the Commission a lot of information, and some of the items brought up during the meeting need to be researched and explored further. Chairman Ramotowski stated that a second meeting similar to this one would be held by the Conservation Commission before the Commission would prepare its report for the Town Council. The next meeting would probably be held in December before Christmas, and it would be well advertised. It is important to have as many people as possible come to the meeting and contribute to the ongoing dialog about the Pond – the discussion is very helpful to the Commission in weighing alternatives for a long-term management plan for the Pond. The Commission is open to hearing any suggestions the public may have on this issue.

V. Adjournment: The meeting adjourned at 9:15 PM

Minutes recorded by T. Ramotowski